

**CRR No.3028 of 2014 (O&M) &
CRR No.3073 of 2014 (O&M)**

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No. 227

**CRR No.3028 of 2014 (O&M)
Date of decision: August 31, 2016**

Tarun Abrol

.... Petitioner

Versus

State of Punjab and another

.... Respondents

2. CRR No.3073 of 2014 (O&M)

Varun Takiar and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Narula, Advocate,
for the petitioner(s) in both petitions.

Mr. P.S. Paul, Dy. Advocate General, Punjab,
for respondent No.1-State.

Mr. M.S. Sachdev, Advocate,
for respondent No.2.

JASPAL SINGH, J.

This judgment shall dispose of two Criminal Revision petitions
bearing No.CRR No.3028 of 2014 and CRR No.3073 of 2014, as they

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involved similar facts and circumstances & have arisen out of the same FIR in both the petitions.

2. Challenge in these criminal revisions is to order dated September 10, 2014 passed by Additional Sessions Judge, Jalandhar, whereby petitioners have been charge-sheeted to face trial under Sections 306/34 IPC in case bearing FIR No.182, dated November 26, 2013, under Sections 306 & 34 of IPC, registered at Police Station Division No.2, Jalandhar.

3. The instant FIR has been registered on the basis of statement of complainant-Suresh Kumar, who has alleged that his son Rahul Kapila wanted to marry one of the accused-Surbhi daughter of Mukesh Takiar. Though, she was also willing to marry him, but her parents did not agree. On November 25, 2013, his son had gone to Jalandhar and met Surbhi. After sometime, co-accused Varun Takiar (cousin of Surbhi) gave a phone call to the complainant to the effect that Rahul Kapila is serious and has been brought to Civil Hospital, Jalandhar, where from, he was referred to Oxford Hospital. Subsequently, it was intimated by him that Rahul Kapila had died. The complainant alleged that Rahul Kapila had lost his life under a conspiracy hatched by the petitioners along with Surbhi.

4. As per the postmortem report, cause of death was determined to be consumption of aluminium phosphide. After investigation, final report under Section 173(2) Cr.P.C. was filed against all the accused for commission of offence under Sections 306 read with Section 34 IPC and petitioners were charge-sheeted vide impugned order.

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5. Learned counsel for the petitioners has submitted that petitioners have been falsely implicated in the instant case. No specific role whatsoever has been attributed to the petitioners. They are sought to be indicted in this case only on the basis of suspicion of complainant regarding commission of suicide by his son Rahul Kapila. Ingredients of abetment for commission of suicide by any of the petitioners are not even prima facie established during investigation. Even, the challan does not disclose any ingredients of Section 306 of IPC. It is obligatory upon the prosecution to prove that a person who is sought to be accused is responsible for some such act which is absolutely proximate to and as a direct result whereof, without any intervening circumstances, a person commits suicide. The mere allegation of Surbhi meeting Rahul Kapila at a restaurant and taking him to Chemist Shop and then to hospital or Varun Takiar calling up the complainant to intimate him about the ill-health or precarious condition of Rahul Kapila, would not amount to commission of offence under Section 306 IPC by any stretch of imagination. The charges framed against the petitioners are thus completely misconceived and not sustainable.

6. Learned State counsel assisted by counsel for the complainant has opposed both the petitions by submitting that impugned order and the charges framed against the petitioners are absolutely inconsonance with the settled proposition of law. The instant petitions being devoid of merit are liable to be dismissed.

7. This court has given a deep thought to the aforesaid submissions made by learned counsel for the parties and gone through the

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record available on file.

8. A perusal of the record reveals that Rahul Kapila had gone to Jalandhar to meet Surbhi. Before the death of Rahul Kapila, Surbhi was with him. Moreover, Varun Takiar (cousin of Surbhi) intimated the complainant about his ill-health and later on intimated about his death. Moreover, co-accused Sunita Takiar, Varun Takiar along with Seema Jaggi took the dead body of Rahul Kapila to his house. It can only be decided on the basis of evidence as to whether there is any abetment to the commission of suicide by Rahul Kapila son of the complainant or not. At this stage, it cannot be said that there was no role of any of the petitioners in abetting the suicide by Rahul Kapila. The trial court has rightly come to the conclusion that the prima facie material is available on record for framing of charges against the accused under the aforesaid offences. Even otherwise, it is well settled proposition of law that charge can be framed on the basis of a strong suspicion and at the time of framing of charges, the court is not required to sift and weigh the evidence as to whether it is suffice to convict an accused.

9. In view of what has been discussed above, this court does not find any illegality or infirmity in the impugned order passed by the trial court or the charges framed against the accused-petitioners.

10. Accordingly, both petitions are dismissed.

August 31, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No